



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
07/252,645	10/03/88	DUNN	R 1944.014

NEEDLE & ROSENBERG
THE CARNEGIE BLDG.
133 CARNEGIE WAY, N.W.
ETE. 400
ATLANTA, GA 30303

EXAMINER	
SMITH, J	
ART UNIT	PAPER NUMBER
155	5

DATE MAILED:

03/15/89

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

- ☐ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 1 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449 | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-43 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☐ Claims _____ are rejected.
5. ☐ Claims _____ are objected to.
6. ☒ Claims 1-43 are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. These drawings are ☐ acceptable; ☐ not acceptable (see explanation).
10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
12. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Serial No. 252,645

-2-

Art Unit 155

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-10 and 29, drawn to process, classified in Class 523, subclass 113.

II. Claims 11-14 and 30, drawn to process, classified in Class 523, subclass 113.

III. Claims 15-28 and 31, drawn to process, classified in Class 523, subclass 113.

IV. Claims 32-37, drawn to composition, classified in Class 523, subclass 113.

V. Claims 38-44, drawn to composition, classified in Class 525, subclass 937.

VI. Claim 45, drawn to composition, classified in Class 523, subclass 115.

The inventions are distinct, each from the other, because of the following reasons:

Inventions Groups I, II, III are distinct processes which form the same product. These processes represents separate inventions as shown by the different steps required to form the same product (See MPEP 806.05 (c)). In the instant case Groups I, II, III require different chemical compounds and reaction conditions to form an implant.

Inventions Groups I, II, III and Groups IV, V, VI are related as process of making and product made.

The inventions are distinct if either (1) the process as claimed can be used to make another and materially different product, or (2) the product as claimed can be made by another and materially different process. MPEP 806.05(f).

Serial No. 252,645

-3-

Art Unit 155

In this case, the products as claimed can be made by a materially different process as shown by Groups I-III.

The compositions, Groups IV, V and VI, all have different components all contain different components thus they are distinct.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement may be traversed.

A telephone call was made to William Needle on March 2, 1989 to request an oral election to the above restriction requirement, but did not result in an election being made.

Any inquiry concerning this communication should be directed to Jeffrey Smith at telephone number 703-557-6525.

J.SMITH:mh

03/08/89

Joseph L. Schopf
JOSEPH L. SCHOPF
SUPERVISORY PATENT EXAMINER
ART UNIT 155